

Message Text

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TO SECSTATE WASHDC 4354

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E.O. 11652: N/A

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SUBJ: CONVICTION OVERTURNED OF NEWSPAPERS CHARGED FOR
VIOLATION OF PRESS BAN IN CONNECTION WITH WELCH ASSASSINATION

1. IN THE WAKE OF THE ASSASSINATION OF RICHARD WELCH, SPECIAL ASSISTANT TO THE AMBASSADOR, LAST DECEMBER 23, THE GREEK PRESS ENGAGED IN AN ORGY OF SPECULATIVE AND TASTELESS REPORTING. JOURNALISTIC COVERAGE OF THIS EVENT BECAME SO IRRESPONSIBLE THAT THE PUBLIC PROSECUTOR IMPOSED A BAN ON FURTHER PRESS REPORTING ABOUT THE CASE (WHICH IS NOT AN UNUSUAL JUDICIAL PRACTICE IN GREECE). DESPITE THIS BAN, SIX ATHENS NEWS-PAPERS SUBSEQUENTLY PRINTED STORIES WHICH THE PROSECUTOR DETERMINED TO BE IN VIOLATION OF HIS INJUNCTION. AN INITIAL COURT DECISION LATER FOUND THE RESPONSIBLE OFFICIALS OF THE SIX NEWSPAPERS GUILTY AND THEY WERE SENTENCED TO FOUR MONTHS IMPRISONMENT EACH. THE DEFENDANTS FILED IMMEDIATE APPEALS AND ON MAY 18 THE THREE-MEMBER COURT OF APPEALS OF ATHENS RULED IN THEIR FAVOR AND OVERTURNED THE LOWER COURT'S VERDICT.

2. THE APPEALS COURT DECISION WAS BASED ON THE COURT'S FINDING THAT THE NEWS STORIES CARRIED BY THE SIX DAILIES

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IN QUESTION DID NOT HAVE THE EFFECT OF "HINDERING THE

WORK OF INVESTIGATING LAW ENFORCEMENT OFFICIALS" WORKING ON THE CASE, AND, THEREFORE, THE PROSECUTOR'S BAN WENT BEYOND THE SCOPE OF THE ORDINANCE WHICH HE CITED FOR HIS AUTHORITY. THUS, THE COURT CONCLUDED, THE PROSECUTOR'S ACTION VIOLATED ARTICLE 14 OF THE GREEK CONSTITUTION WHICH ESTABLISHES A FREE PRESS AND WHICH PROHIBITS CENSORSHIP AND ALL OTHER PREVENTIVE EASURES.

3. TA NEA (LEFTIST) REFERRED TO THE APPEALS COURT'S DECISION IN THE CONTEXT OF ITS LEAD FRONT-PAGE STORY MAY 19 WHICH CITED VARIOUS CRTICAL REACTIONS TO GOG UNDER SECRETARY LAMBRIAS' RECENT CRITICISM OF THE PRESS FOR ITS ALLEGED IRRESPONSIBLE BEHAVIOR (ATHENS 4763). BY TYING THE APPEALS COURT DECISION TO THIS CURRENT CONTROVERSY, TA NEA SEEMS TO SUGGEST THAT THE DECISION ITSELF COULD CONSTITUTE "AN INDIRECT REBUTTAL" BY THE COURT TO LAMBRIAS' CHARGES AGAINST THE PRESS. KUBISCH

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